IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No.5848 of 2007

Rama Laxman Bhosale ..Petitioner

vs.

Shri Balu Dattu Bhosale
and others ..Respondents

Shri S.A.Savant for petitioner.
Shri R.A.Thorat for respondent nos.1 and 2.
Shri P.B.Shah for respaondent nos. 5 and 7.

CORAM: S.C.DHARMADHIARI J.
5th December,2007

P.C.

1. In the peculiar facts of this case and considering that this Court has while issuing notice made prima facie observations, interest of justice would be subserved if the order under challenge is set aside and the application of the petitioner before me to join himself as party defendant to the suit no.699 of 2006 is granted. However, mere permission to join does not mean that the plaintiff and defendants to that suit are admitting the claim of the present petitioner or that the suit would proceed on the basis that he has some right in the subject property. All such pleas are expressly kept open. As to what interest the petitioner has must be decided upon oral and documentary evidence led. This order is passed only to do

away any fears or apprehension on the part of the present petitioner that his suit being prior in point of time, its outcome would be adversely affected in case the suit no.699 of 2006 process or is lateron compromised. The Trial Court to consider consolidation of both suits and decide the same together as well. The application of the petitioner in suit no.699 of 2006 being Exh.46 stands allowed in the aforesaid terms. Petition is disposed of. No order as to costs.

(S.C.DHARMADHIKARI J.)